

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JO ANN HOWARD AND ASSOCIATES, P.C.,)
SPECIAL DEPUTY RECEIVER OF LINCOLN)
MEMORIAL LIFE INSURANCE COMPANY,)
MEMORIAL SERVICE LIFE INSURANCE)
COMPANY, AND NATIONAL)
PREARRANGED SERVICES, INC.; ET AL.,)
)
Plaintiffs,) Case No. 09-CV-1252-ERW
v.)
)
J. DOUGLAS CASSITY; RANDALL K.)
SUTTON; BRENT D. CASSITY; J. TYLER)
CASSITY; RHONDA L. CASSITY; ET AL.,)
)
Defendants.)

**STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT
AGAINST DEFENDANT COMERICA BANK AND TRUST, N.A.**

Plaintiffs and Defendant Comerica Bank and Trust, N.A. (“Comerica”), under Fed. R. Civ. P. 41(a)(2), request an Order of the Court approving the dismissal with prejudice of Plaintiffs’ claims against Comerica, as contained in Plaintiffs’ Third Amended Complaint.

1. Plaintiffs and Comerica stipulate and agree to this dismissal with prejudice.
2. Pending matters in controversy between Plaintiffs and Comerica have been mutually resolved. Each party is to bear its own costs and attorneys’ fees.
3. Plaintiffs’ dismissal with prejudice against Comerica shall not affect Plaintiffs’ claims contained in Plaintiffs’ Third Amended Complaint against the remaining defendants.

Dated this 19th day of March, 2015.

Respectfully submitted,

s/ Wendy B. Fisher

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Attorneys for Plaintiffs Jo Ann Howard and Associates, P.C., in its capacity as Special Deputy Receiver of Lincoln Memorial Life Insurance Company, Memorial Service Life Insurance Company, and National Prearranged Services, Inc.; the National Organization of Life and Health Insurance Guaranty Associations; the Missouri Life & Health Insurance Guaranty Association; the Texas Life & Health Insurance Guaranty Association; the Illinois Life & Health Insurance Guaranty Association; the Kansas Life & Health Insurance Guaranty Association; Oklahoma Life & Health Insurance Guaranty Association; the Kentucky Life & Health Insurance Guaranty Association; and the Arkansas Life & Health Insurance Guaranty Association

and

s/Harry N. Arger

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Attorney for Defendant Comerica Bank and Trust, N.A.

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2015, the foregoing **STIPULATED VOLUNTARY DISMISSAL WITH PREJUDICE OF COMPLAINT AGAINST DEFENDANT COMERICA BANK AND TRUST, N.A.** was filed electronically with the Clerk of Court and served by operation of the Court's electronic filing system upon all counsel of record in this case participating in Electronic Case Filing.

s/ *Wendy B. Fisher*
Wendy B. Fisher
(Admitted *Pro Hac Vice*)
Attorney for Plaintiffs